

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR) proposes to adopt reserved Article 13 and its sections under the recently reorganized Subchapter 6, under Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 3, concerning Adult Parole and Registration. Specifically, the following reserved sections, which are titled, are being adopted with new text: 3651, 3652, 3653, and 3654. Existing reserved section 3652.1 is now repealed. For more appropriate placement, it has been determined that the subject matter and text originally planned for section 3652.1 will instead be incorporated into other sections within Subchapter 6.

The CDCR and the Legislature have long recognized that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to provide for the supervision of and the surveillance of parolees, including the judicious use of revocation actions and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge.

These regulations, proposed by the CDCR's Division of Adult Parole Operations (DAPO), provide to parolees and staff, the registration requirements of Penal Code (PC) sections 186.30, 290, 290.85, and 457.1; and Health and Safety Code (H&SC) sections 11590 and 11594. This action, which is necessary for clarification and directive, provides the language governing parolee registration.

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective, and less burdensome to affected private persons, than the action proposed.

The Department has determined that no reasonable alternatives to the regulations have been identified or brought to the attention of the Department that would lessen any adverse impact on small business.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony or other evidence provided that would alter the Department's initial determination.

The Department has determined that this action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4.

The Department in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

Reserved Article 13 is now adopted.

Article 13. Registration

Reserved titled Section 3650 and new text are adopted.

3650. Registration Notification.

Section 3650 is adopted for clarification by providing the requirement that inmates/parolees be notified of the requirement to register pursuant to the procedures specified in section 3075.2 of the CCR, Title 15. This is necessary to ensure that the Department is informing inmates/parolees of their requirement to register pursuant to the laws specified in PC sections 186.31, 290 and 457.1; and H&SC section 11590.

Reserved titled Section 3651 is adopted and amended for additional clarification by adding the words "Gang Offenders" to the title, which is subject matter of this section.

3651. Penal Code Section 186.30 Registrants (Gang Offenders).

New Subsections 3651(a) through (f) are adopted to clarify and make specific the reporting requirements for gang offenders pursuant to the provisions of PC section 186.30.

Subsection 3651(a) provides the reporting requirements for any inmate/parolee who is ordered by the court to register pursuant to PC section 186.30. This is necessary to remove any confusion on who the inmate/parolee is to report to.

Subsections 3651(b) through (b)(4) makes specific, the provisions of PC section 186.32(a)(2) which provides the registration requirements of PC section 186.30.

Subsection 3651(c) provides for clarification and directive, the reporting requirements for a parolee who is subject to PC section 186.30 and who changes his or her address.

Subsection 3651(d) provides that any parolee required to register pursuant to PC section 186.30 who knowingly violates any of its provisions is guilty of a misdemeanor. This subsection makes specific the provisions of PC section 186.33.

Subsection 3651(e) for clarification, provides the provisions of PC section 186.33(b) by specifying that any person who knowingly fails to register pursuant to PC section 186.30 and is subsequently convicted of, or any person for whom a petition is subsequently sustained for a violation of, any of the offenses specified in PC section 186.30, shall be punished by an additional term of imprisonment in the state prison.

Subsection 3651(f) for clarification, provides the provisions of PC section 186.32(c) by stating that the registration requirement shall terminate five years after the last imposition of a registration requirement pursuant to PC section 186.30.

Reserved titled section 3652 is adopted and amended for additional clarification by adding the words "Sex Offenders" to the title, which is the subject matter of this section.

3652. Penal Code Section 290 Registrants (Sex Offenders).

New subsections 3652(a) through (e)(3) are adopted to make specific and clarify the reporting requirements for inmates/parolees who are subject to the provisions of PC sections 290 et seq. This is necessary to address the obligation of each inmate/parolee to be aware of and apply all laws and regulations regarding registration requirements.

Subsection 3652(a) makes specific the reporting requirements for those inmate/parolees who are required to register pursuant to PC section 290. This is necessary to remove any confusion on who the inmate/parolee is to report to.

Subsection 3652(a)(1) makes specific the provisions of PC section 290.010 and the registration requirements for those individuals, who are required to register, and who have more than one residence address at which he or she regularly resides.

Subsection 3652(a)(2) provides the reporting requirements pursuant to the provisions of PC section 290.012(a).

Subsection 3652(a)(3) provides that the registration requirement shall be for life. This is pursuant to the provision of PC section 290(b).

Subsections 3652(b) through (b)(2) provide the reporting requirements for Sexually Violent Predators pursuant to the provisions of PC sections 290.001 and 290.012. Subsection (b)(1) specifies that every person who has been adjudicated a sexually violent predator as defined in section 6600 of the Welfare and Institutions Code, shall after his or her release from custody, verify his or her address no less than once every 90 days and place of employment, including the name and address of the employer. Subsection

(b)(2) provides that any person who has ever been adjudicated a sexually violent predator, and who fails to verify his or her registration every 90 days as required pursuant to PC section 290, shall be punished by imprisonment in the state prison, or in the county jail not to exceed one year.

Subsection 3652(c) through (c)(2) for clarification, provides the definition for the words “transient” and “residence” which are terms used in these regulations.

Subsection 3652(d) through (d)(11) provides for clarification and to make specific, the provisions of PC section 290.011 that concern the registration requirements for transients.

Subsections 3652(e) through (e)(3) provides for clarification and to make specific, the provisions of PC section 290.85 that require that every person released on parole who is required to register as a sex offender, provide proof of registration to his or her parole agent within six working days of release on parole.

Reserved titled section 3652.1 is repealed. For more appropriate placement, it has been determined that the subject matter and text originally planned for section 3652.1 will instead, in the future, be incorporated into other sections within Subchapter 6.

Reserved titled Section 3653 is adopted and amended for additional clarification by adding the words “Arson Offenders” to the title, which is the subject matter of this section.

New subsections 3653(a) through (i) are adopted to establish arson offender registration requirements pursuant to PC section 457.1, requiring registration with the Chief of Police or Sheriff of the county of residence, and is applicable if so ordered by the court and reflected on the commitment document. The requirement to register shall terminate five years after discharge. This is necessary to address the obligation of each inmate/parolee to be aware of and apply all laws and regulations regarding the registration requirement.

Reserved titled section 3654 is adopted and amended for additional clarification by adding the words “Drug Offenders” to the title, which is the subject matter of this section.

New subsections 3654(a) through (f) are adopted to establish within these regulations, drug offender registration requirements pursuant to Health and Safety Code (H&SC) sections 11590 and 11594. These amendments require registration with the Chief of Police or Sheriff of the county of residence, and are applicable if so ordered by the court and reflected on the commitment document. The requirement to register shall terminate five years following discharge from prison, release from jail or termination of probation or parole. Subsection (a) makes specific the requirement of H&SC section 11590 and subsections (b) through (f) make specific the provisions of H&SC section 11594.